

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MITCHELL WAX, Individually and on Behalf of
All Other Similarly Situated,

Plaintiff,

v.

CROSS RIVER BANK

Defendant.

Civil Action No. 2:24-cv-09510 (BRM) (JRA)

**NOTICE OF
MOTION TO DISMISS**

Document Electronically Filed

Motion Day: July 7, 2025

Oral Argument Requested

PLEASE TAKE NOTICE that, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendant Cross River Bank (“CRB”), by its undersigned counsel, will and hereby does move, at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102, on July 7, 2025, for an order dismissing the complaint for failure to state a claim upon which relief can be granted [ECF No. 1], and granting CRB such other and further relief as the Court may deem just and proper. In support of its motion, CRB shall rely upon the complaint; the accompanying memorandum of law; the supporting declaration of Steven M. Rosato dated April 9, 2025, including the exhibits attached thereto; and such other proceedings in this action as shall bear on the matters addressed in the motion that may be considered by the Court.

PLEASE TAKE FURTHER NOTICE that, in accordance with the stipulation and order entered by the Court on March 17, 2025 [ECF No. 27], any opposition to the motion shall be served on or before May 28, 2025, and any reply in further support of the motion shall be served on or before June 18, 2025.

PLEASE TAKE FURTHER NOTICE that oral argument is requested pursuant to Local Civil Rule 78.1.

PLEASE TAKE FURTHER NOTICE that a proposed order is filed herewith.

Dated: New York, New York
April 9, 2025

DLA PIPER LLP (US)

Of Counsel:

By: /s/ Steven M. Rosato

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, I caused the foregoing document to be served on all counsel of record by electronic filing through the Court's ECF system.

Dated: New York, New York
April 9, 2025

/s/ Steven M. Rosato
Steven M. Rosato